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September 20, 2019

**VIA ECF**

The Honorable Judge Loretta A. Preska  
District Court Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

**Re: *Giuffre v. Maxwell*,  
Case No. 15-cv-07433-LAP**

Dear Judge Preska:

Plaintiff submits this response to Defendant's September 18, 2019, letter (Dkt. 987) in order to correct the record concerning Judge Sweet's handling of deposition materials that were designated for use at trial. Defendant acknowledges that Plaintiff's counsel provided the Court with "more than a dozen boxes of material, presumably all of the deposition transcripts," but then speculates that the transcripts were "unread" and asserts that "[t]he parties do not know whether Judge Sweet ever reviewed any of the deposition designations, counter-designations, or objections." *Id.* at 3.

Contrary to Defendant's suggestion, Judge Sweet actively reviewed the materials submitted. *See* Dkt. 903 (Apr. 5, 2017, Tr.) at 31 (Court noting it had "two and a half feet of depositions to review with objections"); Ex. A (correspondence between Chambers and Plaintiff's counsel stating: "I just want to make sure that there is nothing MISSING from the Binder that the Judge needs to rule on"). The Court's review of these materials makes clear that these are judicial documents. In addition, the fact that Court reviewed the transcripts, designations, counter-designations, and objections at the same time weighs in favor of grouping these materials in the same category. Ex. A at 1-3. The fact that there is not a separate docket entry for the initial trial deposition designations and instead the Court had the depositions delivered to chambers does not mean that they are not part of the record to be considered for unsealing. The trial deposition designations are clearly part of the court record, as were the objections and the testimony of the counter-designations which have docket entry numbers, were considered by the Court and are subject to the same unsealing review process as other documents in the court record.

Sincerely,

/s/ Sigrid McCawley

Sigrid S. McCawley, Esq.

BOIES SCHILLER FLEXNER LLP

# **Exhibit A**

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**From:** Sandra Perkins  
**Sent:** Thursday, April 27, 2017 4:12 PM  
**To:** 'Maya\_H\_Nuland@nysd.uscourts.gov'  
**Cc:** 'SweetNYSDChambers@nysd.uscourts.gov'  
**Subject:** RE: Giuffre v. Maxwell, Case No: 15-cv-07433-RWS  
**Attachments:** 2017.04.03 Defts Amended Objs to Ptfs Depo Desgs.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Maya,

See attached, in an abundance of caution, I just doubled check the docket and there appears to a late submission by Defendant [DE 826] which doesn't appear to be on the binder index. Attached is what I found in the unredacted e-mail distribution for this date.

I believe you should now have everything you need. Please do not hesitate to contact me should you need anything further.

Sandra

**From:** Maya\_H\_Nuland@nysd.uscourts.gov [mailto:[Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov)]  
**Sent:** Thursday, April 27, 2017 3:56 PM  
**To:** Sandra Perkins  
**Cc:** SweetNYSDChambers@nysd.uscourts.gov  
**Subject:** RE: Giuffre v. Maxwell, Case No: 15-cv-07433-RWS

That is very helpful, thank you. I just want to make sure that there is nothing MISSING from the Binder that the Judge needs to rule on.

Maya Nuland  
Law Clerk to the Honorable Robert W. Sweet  
United States District Court for the Southern District of New York  
500 Pearl Street, Suite 1940  
New York, NY 10007-1312  
(212) 805-0463

From: Sandra Perkins <[sperkins@BSFLLP.com](mailto:sperkins@BSFLLP.com)>  
To: "SweetNYSDChambers@nysd.uscourts.gov" <[SweetNYSDChambers@nysd.uscourts.gov](mailto:SweetNYSDChambers@nysd.uscourts.gov)>  
Cc: "Maya\_H\_Nuland@nysd.uscourts.gov" <[Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov)>  
Date: 04/27/2017 03:51 PM  
Subject: RE: Giuffre v. Maxwell, Case No: 15-cv-07433-RWS

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Maya, I hope this answers your question. There should be 10 items in the binder (which are both Plaintiff and Defendant submissions). However, the attached word versions relate to Plaintiff's submissions and should correspond to the binder tabs 1, 3, 6, 7, 9 and 10.

Please let me know if the binder has less than 10 items in it (or if there is anything missing) as it was assembled for us

in our NY office so I was unable to put eyes on it before it was delivered.

Thank you and I apologize for any confusion,  
Sandra

01-13-2017 Plaintiff's Deposition Designations.....	1
01-27-2017 Plaintiff's Objections AND Cross Designations.....	3
02-06-2017 Plaintiff's Supplemental Designations (Kellen/Marcinkova).....	6
02-17-2017 Plaintiff's Objections to Defendant's Counter Designations.....	7
03-28-2017 Response to Defendant's Objections to Plaintiff's Designations.....	9
03-28-2017 Notice of filing Typographical Errors.....	10

**From:** [Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov) [mailto:[Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov)] **On Behalf Of**

[SweetNYSDChambers@nysd.uscourts.gov](mailto:SweetNYSDChambers@nysd.uscourts.gov)

**Sent:** Thursday, April 27, 2017 3:40 PM

**To:** Sandra Perkins

**Cc:** [SweetNYSDChambers@nysd.uscourts.gov](mailto:SweetNYSDChambers@nysd.uscourts.gov)

**Subject:** Re: Giuffre v. Maxwell, Case No: 15-cv-07433-RWS

Thank you, Sandra. So which of these documents are what was in the binder? Since we received the binders on April 5, I understood that to contain the final versions of all of the deposition designations and objections to designations, incorporating all amendments, etc.

Sandra Perkins <[sperkins@BSFLLP.com](mailto:sperkins@BSFLLP.com)>

04/27/2017 01:37 PM

To "[SweetNYSDChambers@nysd.uscourts.gov](mailto:SweetNYSDChambers@nysd.uscourts.gov)" <[SweetNYSDChambers@nysd.uscourts.gov](mailto:SweetNYSDChambers@nysd.uscourts.gov)>

cc "[Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov)" <[Maya\\_H\\_Nuland@nysd.uscourts.gov](mailto:Maya_H_Nuland@nysd.uscourts.gov)>

Subject Giuffre v. Maxwell, Case No: 15-cv-07433-RWS

To the honorable Judge Sweet,

As a follow up to Maya Nuland's phone call request today, please see the below list of what should in the designations binder submitted to the Court, along with the word versions of Plaintiff's submissions (highlighted below). For the Court's convenience, I have also included a word document for "Tab 2 - Defendant's Deposition Designations (charted by BSF)" which was charted by BSF due to Defendant's 1/13/17 submission being received in highlighted transcript form.

Please feel free to contact me should you have any questions or need any additional information.

## **DEPOSITION DESIGNATIONS, COUNTER DESIGNATIONS & OBJECTIONS**

TAB

01-13-2017 Plaintiff's Deposition Designations.....	1
01-13-2017 Defendant's Deposition Designations (Charted by BSF).....	2
01-27-2017 Plaintiff's Objections AND Cross Designations.....	3
01-27-2017 Defendant's Objections to Plaintiff's Deposition Designations.....	4
02-03-2017 Defendant's Counter-Designations to Plaintiff's Deposition Designations.....	5
02-06-2017 Plaintiff's Supplemental Designations (Kellen/Marcinkova).....	6
02-17-2017 Plaintiff's Objections to Defendant's Counter Designations.....	7
02-17-2017 Defendant's Objections to Plaintiff's Cross Designations.....	8
03-28-2017 Response to Defendant's Objections to Plaintiff's Designations.....	9
03-28-2017 Notice of filing Typographical Errors.....	10

Kindest Regards,

**Sandra Perkins Borger**  
Paralegal

**BOIES SCHILLER FLEXNER LLP**

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